

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

LETICIA L. RIVAS,

Plaintiff,

v.

DOLLAR FINANCE COMPANY,

Defendant.

Case No. 1:21-cv-00375

Honorable Judge Randy Crane

JOINT MOTION TO APPEAR BY TELEPHONE FOR SHOW CAUSE HEARING

NOW COME Leticia Rivas (“Plaintiff”) and Dollar Finance Company (“Defendant”) (collectively, “the Parties”), by and through their undersigned counsel, moving this Honorable Court for an Order authorizing the Parties’ Counsel to appear by telephone for the January 20, 2023 Show Cause Hearing, and in support thereof, stating as follows:

1. On September 28, 2021, Plaintiff filed the instant case against Defendant seeking redress for violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*, and the Texas Debt Collection Act (“TDCA”), Tex. Fin. Code Ann. § 392 *et seq.* [Dkt. 1]

2. On November 28, 2022, the Parties reached a settlement and Plaintiff filed a Notice of Settlement. [Dkt. 48]

3. On November 29, 2022, the Court entered an Order requiring the Parties to file dismissal documents on or before January 19, 2023. The Order further required the Parties to appear for a show cause hearing on January 20, 2023 at 09:30 a.m. if the Parties fail to file the dismissal document by January 19, 2023. [Dkt. 49]

4. On November 30, 2022, Plaintiff's counsel sent a draft settlement agreement to Defendant's counsel for review.

5. To date, despite multiple follow-ups, Defendant has failed to substantively address the draft settlement agreement.

6. Plaintiff intends on filing a Motion to Enforce the Settlement if Defendant fails to honor and consummate the settlement by January 30, 2023.

7. In light of the fact that this matter is settled and the costs associated with appearing in person for the show cause hearing, the Parties are jointly requesting that the Court to allow the Parties' Counsel to appear telephonically for the Show Cause Hearing on January 20, 2023.

8. Plaintiff's counsel is from Illinois and Plaintiff will incur significant travel costs for her counsel to travel to Texas for the Show Cause hearing on January 20, 2023, should the Court decline to strike the Motions Hearing.

9. There are no pending contested motions and the telephonic appearance would not prejudice any of the Parties.

10. Based on the foregoing, there is good cause for the Court to allow the Parties' Counsel to appear telephonically for the Show Cause hearing on January 20, 2023.

WHEREFORE, the Parties jointly and respectfully request that the Court enter an Order authorizing the Parties to appear by telephone for the January 20, 2023 Show Cause hearing and grant such other relief as the Court deems just and proper.

Respectfully submitted,

s/ Mohammed O. Badwan

Mohammed O. Badwan

Counsel for Plaintiff

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s/ Florencio Lopez

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Texas by using the CM/ECF system and that service will be accomplished by the CM/ECF system.

/s/ Mohammed O. Badwan